

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**ROGER PARKER, on his own behalf
and on behalf of all others similarly
situated,**

Plaintiff,

v.

**PERDUE FARMS, INC. and PERDUE
FOODS, LLC,**

Defendant.

Case No. 5:22-cv-00268-TES

**MOTION FOR LEAVE TO FILE MEMORANDUM OF LAW AND
EXHIBITS 3, 6, 7, AND 8 TO THEIR MOTION
FOR CONDITIONAL CERTIFICATION UNDER SEAL**

Plaintiffs respectfully move for leave to file an unredacted version of Plaintiffs' memorandum of law, Exhibit 3 (unredacted excerpts of 30(b)(6) deposition transcript of Perdue Foods, LLC), Exhibit 6 (an exemplar Poultry Producer Agreement), Exhibit 7 (a copy of Perdue's PVP Manual), and Exhibit 8 (an additional copy of Perdue's PVP manual) in support of their motion for conditional certification (ECF 52) under seal. Defendant Perdue Foods, LLC ("Perdue") has designated Exhibits 6 and 8 as "CONFIDENTIAL" under the protective order in this case. *See generally* ECF 47. Plaintiff has designated Exhibit 7 as "CONFIDENTIAL" because it was originally a document created by Perdue. Plaintiff has designated portions of Exhibit 3 as "CONFIDENTIAL" at Defendant's request. And the memorandum of law quotes from Exhibit 6. Therefore, to preserve Perdue's confidentiality designations, Plaintiff is "seeking permission to file the[se] document[s] under seal," as the protective order contemplates. *Id.* at 7.

Consistent with this Court's guidance on filing motions for seal

(<https://www.gamd.uscourts.gov/submitting-documents-court>), Plaintiffs are submitting PDF copies of these documents to the appropriate divisional email address.

Under section 6 of the Protective Order, Perdue, as the designating party, has the burden to demonstrate that this material should remain under seal. *See* ECF 47, at 7. Plaintiffs take no position at this time whether any portion of these materials is properly sealed. Plaintiffs do, however, note that the public interest and the interests of absent potential class members weigh in favor of public disclosure. Nonetheless, Plaintiffs request that the unredacted version of Plaintiffs' memorandum of law and Exhibits 3, 6, 7, and 8 to their motion for conditional certification be filed under seal for the limited purposes of: (i) permitting Perdue an opportunity to make a showing of good cause as to which portions (if any) should remain under seal, and (ii) allowing the Court, under the procedures set forth in the Protective Order and this Court's rules, to assess Perdue's position on whether that document should be permanently sealed.

For these reasons, Plaintiffs respectfully request that the Court seal the unredacted version of Plaintiffs' memorandum of law and Exhibits 3, 6, 7, and 8 to their motion for conditional certification but lift that seal and permit the public filing of these documents or redacted versions in the event the Court determines that Perdue has failed to meet its burden of demonstrating "good cause" for sealing these documents.

Dated: December 6, 2023

Respectfully submitted,

/s/ Jamie Crooks

Jamie Crooks (admitted *pro hac vice*)

D.C. Bar No. 156005

FAIRMARK PARTNERS, LLP

1825 7th St NW, #821

Washington, DC 20001

(617) 721-3587
jamie@fairmarklaw.com

T. Brandon Waddell
Ga. Bar No. 252639
Jarred A. Klorfein
Ga. Bar No. 562965
CAPLAN COBB LLC
75 Fourteenth Street, NE, Suite 2700
Atlanta, Georgia 30309
(404) 596-5600
(404) 596-5604 (fax)
bwadell@caplancobb.com
jklorfein@caplancobb.com

CERTIFICATE OF SERVICE

I hereby certify that, on this day, I caused a true and correct copy of the foregoing document to be filed with the clerk's office using this Court's CM/ECF system, which will automatically send notice of such filing to all counsel of record.

This 6th day of December, 2023.

/s/ Jamie Crooks

Jamie Crooks (admitted *pro hac vice*)

D.C. Bar No. 156005

jamie@fairmarklaw.com

Counsel for Plaintiff and the Putative Class